

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,551

IN THE MATTER OF:

Served September 4, 2008

Application of CARE TRANSPORT INC. )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2008-068

Application of CARE TRANSPORT INC. )  
for Temporary Authority -- )  
Irregular Route Operations )

Case No. AP-2008-069

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant seeks temporary authority to provide such service as well. The applications are unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Under Article XI, Section 13(a), the Commission may grant temporary authority if there is an immediate need for service that is not available. Under Regulation No. 54-06(a)(iii), an applicant for temporary authority must demonstrate that it is fit to provide the proposed temporary service.

An applicant must establish financial fitness, operational fitness, and regulatory compliance fitness.<sup>1</sup>

Applicant proposes commencing operations with nine vans. Applicant proposes operating under a tariff containing rates for Medicaid transportation and rates for transportation under contracts with government agencies.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by

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<sup>1</sup> In re King Shuttle, LLC, No. AP-08-073, Order No. 11,420 (June 20, 2008).

Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Normally, such evidence would establish applicant's fitness,<sup>2</sup> but in this case, it appears applicant may have a history of regulatory violations. A list of transportation providers obtained from Medical Transportation Management, Inc., (MTM), indicate applicant has begun performing passenger transportation in the Metropolitan District under contract with MTM notwithstanding the lack of WMATC operating authority.

Order No. 11,447, served July 1, 2008, accordingly gave applicant thirty days to comment on this apparent violation of the Compact before we decide this application.<sup>3</sup>

Applicant did not respond. The application therefore shall be denied.

THEREFORE, IT IS ORDERED that the applications of Care Transport Inc., for a certificate of authority and temporary authority are hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>2</sup> See *In re Dan Allen t/a Allen Limo Serv.*, No. AP-08-012, Order No. 11,412 (June 13, 2008) (same).

<sup>3</sup> *Id.*